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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,763	03/22/2004	Tim Forrester	UP1 00116	2438
32968	7590	12/27/2005	EXAMINER	
KYOCERA WIRELESS CORP.			NGUYEN, KHAI M	
P.O. BOX 928289			ART UNIT	
SAN DIEGO, CA 92192-8289			PAPER NUMBER	
			2819	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,763

Applicant(s)

FORRESTER ET AL.

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/5/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/22/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The application has not been checked to the extent necessary to determine the presence of all possible typographical and grammatical errors. However, Applicant's cooperation is requested in correcting any errors of which he/she may become aware in the application.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cygan et al. (US 5,564,086) in view of Tichauer (US 6,362,690). Cygan et al. discloses a mismatched detector (Fig. 1), comprising: an antenna (106); a directional device (directional coupler 112, circulators/isolators also mentioned at column 1, lines 45-49) for transmitting signals to and receiving signals from the antenna (106), wherein

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the directional device (112) includes detectors (the sampler – abstract) adapted for measuring (Cygan et al. uses the term “sample”) transmitted and reflected power (116/118); and a processor device (block 110) generates a first control signal (120 – column 4, line 41) based on the measured or received transmitted and reflected power (column 2, lines 63-68) to modify (or control) a matching network (111).

Cygan et al. does not show the processor device (block 110) providing a second control signal to an amplifier (amplifier 104).

Tichauer discloses a processor device (206) (Tichauer uses the term “controller”) is included in a mismatch detector device (see Fig. 2) configured to read/receive a measured power of the transmit signal (i.e., forward power monitor) and a measured power of reflected signal (i.e., reverse power monitor) and to generate a control signal configured to control an amplifier (202) (column 4, lines 1-11).

Therefore, it would have been obvious to one person having ordinary skills in the art at the time the invention was made to provide a second control signal from the processor device (110 - as taught by Cygan et al.) to the amplifier (104) as taught by Tichauer for a purpose of improving the impedance match between a load and the output impedance of an output power amplifier/stage (column 1, lines 5-10).

b. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sroka et al. (US 5,778,308) in view of Tichauer (US 6,362,690).

Regarding claims 14-16, Sroka et al. discloses a communication device (Fig. 1 shows a mobile device), comprising:

a mismatch detector (Fig. 3A), wherein the mismatch detector includes: a directional device (33) adapted to transmit signals to an antenna (17) and receive reflected signals from the antenna (17), and detectors (34/36) coupled to the directional device (33) configured to measure/sense/sample the power of the transmitted/reflected signals;

amplifiers (22/24 – Fig. 2) amplifying transmit/receive signals; and

a processor device (32) configured to read (or receive) the measured transmitted (forward path) and reflected power (return path) and to generate a first control(s) (column 4, lines 44-46) configured to control a matching circuit (31) (column 4, lines 26-29);

Sroka et al. does not show the processor device (32) providing a second control signal to an amplifier.

Tichauer discloses a processor device (206) (Tichauer uses the term “controller”) is included in a communication device (see Fig. 2) configured to read/receive a measured power of the transmit signal (i.e., forward power monitor) and a measured power of reflected signal (i.e., reverse power monitor) and to generate a control signal configured to control an amplifier (202) (column 4, lines 1-11).

Therefore, it would have been obvious to one person having ordinary skills in the art at the time the invention was made to provide a second control signal from the processor device (32 as taught by Sroka et al.) to amplifier as taught by Tichauer for a purpose of improving the impedance match between a load and the output impedance of an output power amplifier/stage (column 1, lines 5-10).

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5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-13 are allowed.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571-272-1809. The examiner can normally be reached on 9:00 - 5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford (Rex) Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai M. Nguyen
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571-272-1809

SPE Referral
Rexford Barnie
Art Unit 2819